

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAVIER TAPIA,

Plaintiff,

v.

NAPHCARE INC. et al,

Defendant.

CASE NO. C22-1141-KKE

ORDER DENYING MOTION FOR LEAVE  
TO DEPOSE DR. JEFFREY ALVAREZ,  
M.D.

This matter came before the Court on the Parties' Joint Statement pursuant to this Court's discovery dispute procedure in which Plaintiff Javier Tapia sought leave to depose Dr. Jeffrey Alvarez, M.D. Dkt. No. 83. Leave of Court is required because Tapia has already taken ten depositions. Fed. R. Civ. P. 30(a)(2). NaphCare objects to exceeding the ten-deposition limit and on the additional ground that Dr. Alvarez is an "apex witness." Dkt. No. 83 at 2-3.

The Court held a discovery conference on January 16, 2024, at which both parties were heard on the issue of the additional deposition. Dkt. No. 84. For the reasons stated on the record, the Court ORDERS as follows:

- 1) Plaintiff's motion to depose Dr. Alvarez (Dkt. No. 83) is denied without prejudice;

- 1 2) If additional discovery produced in this action indicates that Dr. Alvarez has the requisite  
2 first-hand knowledge of the relevant issues in this case to warrant his deposition as required  
3 by the applicable authority, Plaintiff may re-file his motion;
- 4 3) Plaintiff's motion must set forth a particularized showing that an additional deposition is  
5 warranted and that the depositions taken to date have been warranted; and
- 6 4) Before Plaintiff may re-file his motion, the parties must meet and confer in good faith.  
7 However, Plaintiff is no longer required to utilize this Court's discovery dispute procedure  
8 with respect to this issue.

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10 Dated this 17<sup>th</sup> day of January, 2024.

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13 Kymberly K. Evanson  
14 United States District Judge  
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